

**Opening Statement of the Honorable Fred Upton
Subcommittee on Communications and Technology
Hearing on “The Uncertain Future of the Internet”
February 25, 2015**

(As Prepared for Delivery)

In less than 24 hours the FCC will begin proceedings to green light new net neutrality rules that rely on outdated utility-style regulations to govern the Internet. They are taking this path in part because of the limits on the FCC’s statutory authority, and in part because of political pressures to act. Unfortunately, whether intended or not, this approach brings with it a host of consequences that have the potential to disrupt the Internet we have come to know and rely on.

Title II means applying regulations that were never meant for this technology or marketplace, and relying on unstable legal ground to refrain from applying others. It also means an inevitable return to the courts for net neutrality rules, which will lead to more years of uncertainty for consumers and providers. Until it’s resolved, there may be no rules of the road for consumers or industry.

To avoid this result, Chairman Walden, Chairman Thune, and I offered draft legislation proposing net neutrality rules guided by the principles for an open Internet that we all share. Our committee has a rich history of taking on complex and difficult issues and finding common ground that both sides can support. Given what is at stake here, I had hoped this would be another instance of such bipartisan cooperation. While I knew that not everyone would be interested in the legislative path, I am both surprised and disappointed that we haven’t yet been able to engage in a negotiation and produce a bipartisan product with our colleagues. But tomorrow’s commission vote does not signal the end of this debate; rather, it is just the beginning. And I have to believe that as members review the FCC’s rules and hear today about the many problems that will result, there will be an opportunity for a thoughtful solution like the one we have offered: bright line Internet rules of the road, safeguards to encourage innovation, and enforcement mechanisms that allow the FCC to protect consumers without years of court battles.

A legislative answer to the net neutrality question will finally put to rest years of litigation and uncertainty. Today’s hearing will illustrate many of the harms that could come from the FCC’s Title II approach to net neutrality. Let’s work to avoid those landmines and get this done here, in Congress, where policy decisions belong. There is no question that Americans deserve the most robust and innovative Internet possible. This requires clear rules tailored to protect consumers and companies. Rules like the ones we have put forward in our discussion draft – the same rules the FCC Chairman, President Obama, and Democrats in Congress have sought for years. Once again, I ask my colleagues to work with us and help put net neutrality into law in a way that avoids the costly, harmful consequences we will hear about today. It’s the right thing to do – and we can get it done.

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